

### **REMARKS**

Applicant proposes the above amendments to serve as the basis of further discussion in response to the Examiner's invitation.

The courtesy shown to applicant's representative at the telephone interview held on March 23, 2010 is greatly appreciated. Fig. 25 of Li was discussed. In light of the interview, claims 27 and 29 have been incorporated into an amended independent claim 25. New claim 31 was derived from claim 2 of the PCT publication.

The invention now proposes using two groups or pools of wavelengths: one group for the working channels and another different group for the protection channels. The wavelengths are different in each group.

This allows the working and protection channels to change their wavelengths at one or more intermediate nodes, but still end up on different wavelengths at the end target node. Hence, different switching matrices are used, and the required redundancy is maintained even though there is only one matrix per wavelength at the end target node.

As previously noted, reducing the number of switching matrices at the start and end nodes reduces the cost of these nodes. However, this arrangement also allows the wavelength of a channel to be changed at the intermediate nodes when this wavelength is not available in the direction of the end node. The new wavelength can then be selected from the appropriate group of wavelengths. This approach simplifies the allocation of wavelengths to channels across the network, because it is simply a matter of selecting from available wavelengths from one group of wavelengths depending on whether a working or protection channel is involved.

Li/Corning does not contemplate such a system and is only concerned with a simple 4x4 switching architecture in a ring network. Hence, issues relating to delivering multiple working and protection channels are not relevant. Therefore, the skilled person reading Li/Corning would not be motivated to consider these issues, let alone arrive at the particular solution now claimed.

It is believed that this application is in order for allowance.

If the Examiner believes that the wording of claim 25 could be further improved, then he is invited to *telephone the undersigned* to discuss any such improvements.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, ISRAEL, SCHIFFMILLER & PIERONI, P.C.  
Attorneys for Applicant(s)  
425 Fifth Avenue, 5<sup>th</sup> Floor  
New York, New York 10016-2223  
Tel: (212) 697-3750  
Fax: (212) 949-1690

/Alan ISRAEL/

---

Alan Israel  
Reg. No. 27,564